

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KATHLEEN TUCKER,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:06-CV-1815 (CEJ)
)	
MONSANTO COMPANY, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motion for a protective order pursuant to Fed.R.Civ.P. 26(c). Plaintiff opposes the motion and the issues are fully briefed.

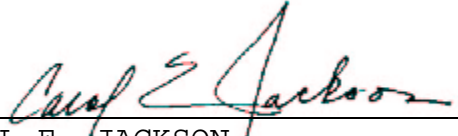
Plaintiff served notices of depositions for defendant's corporate representative pursuant to Rule 30(b)(6) and for seven individuals, including defendant Charles Burson and Monsanto employee Bob Echols. Defendant designated Burson and Echols, among others, as corporate representatives and asked plaintiff to depose them in their individual capacities and as corporate representatives in a single session each. Plaintiff refused the request, prompting defendant's present motion for a protective order.

Rule 26(c) authorizes the courts to "issue an order to protect a party or person from annoyance, embarrassment, oppression, undue burden or expense." Plaintiff objects that defendant has not established that having these witnesses appear twice is an undue burden. Setting aside the question of whether plaintiff's proposed schedule merely burdens -- rather than unduly burdens -- the witnesses or parties, the Court notes that Burson and Echols have

very limited availability to appear for a second deposition date during the remainder of this year. This matter is set for trial on March 3, 2008, and the Court is not inclined to alter that date absent a showing of good cause.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion for a protective order [Doc. #54] is **granted**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 26th day of November, 2007.